# TRIAL WORK EXPERIENCES

**TERMS AND CONDITIONS**

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**Name of Agency**

1. **PURPOSE.** Prior to any determination that an individual with a disability is incapable of benefiting from vocational rehabilitation services in terms of an employment outcome because of the severity of that individual’s disability, VR must conduct an exploration of the individual’s abilities, capabilities, and capacity to perform in realistic work situations to determine whether or not there is clear and convincing evidence to support such a determination.
2. VR must adhere to federal law as defined by the Workforce Innovation and Opportunity Act (WIOA), Section 116(b)(2)(A)—Primary Indicators of Performance. VR will collect data on clients employed in competitive integrated employment who maintain employment 6 months after VR case closure and collect additional data at 12 months after VR case closure. The earnings of all employed VR clients must meet an established median earnings level for VR clients in Tennessee. The CRP agrees to support these indicators of performance through efforts to obtain long term employment for VR clients and at wages at or above the established median earnings level for VR clients.
3. Competitive integrated employment means:

a. Work that is performed on a full-time or part-time basis (including self-employment) for which an individual is compensated at rate that:

(1) shall be not less than the higher of the rate specified in section 6(a)(1) of the Fair Labor Standards Act of 1938 or the rate specified in the applicable State or local minimum wage law; and

(2) is not less than the customary rate paid by the employer for the same or similar work performed by other employees who are not individuals with disabilities, and who are similarly situated in similar occupations by the same employer and who have similar training, experience, and skills; or

(3) in the case of an individual who is self-employed, yields an income that is comparable to the income received by other individuals who are not individuals with disabilities, and who are self-employed in similar occupations or on similar tasks and who have similar training, experience, and skills; and

(4) is eligible for the level of benefits provided to other employees; and

b. that is at a location where the employee interacts with other persons who are not individuals with disabilities (not including supervisory personnel or individuals who are providing services to such employee) to the same extent that individuals who are not individuals with disabilities and who are in comparable positions interact with other persons; and

c. that, as appropriate, presents opportunities for advancement that are similar to those for other employees who are not individuals with disabilities and who have similar positions.

**B. REFERRAL PROCESS.** At the time of referral for a Trial Work Experience(s) (TWE), the VR Counselor will provide the Community Rehabilitation Provider with the following background information:

* + 1. Completed referral form.
    2. Completed VR intake document including work and education history.
    3. Copy of the client’s Trial Work Plan.
    4. Medical, psychological, training information as needed.
    5. Vendor Purchase Order describing expected services.

**C.** **SCOPE** **OF SERVICES**.

1. Trial Work Experiences must address, with sufficient evidence, the individual’s inability to benefit from VR services in terms of an employment outcome with regard to the severity of their disability, functional limitations and performance of the essential duties of an actual job in a competitive integrated setting.

a. Each Trial Work Experience must occur at a different business at a different location, even though multiple jobs of interest to the client may be available at one business The only exception would be businesses that have multiple and well defined departments and employ at least 100 employees per location, i.e. hospital. If only one community based assessment is completed, it must be done at the place of employment in the client’s stated and/or tested area of interest.

1. Sufficient time should be spent at each trial work experience in competitive integrated setting(s) as described below:
   * 1. The trial work experience should last at least as long as the individual is expected to work in one day.  If the individual is expected to work only one (1) to two (2) hours per day, the trial work experience should be extended to two (2) or more days to get a clearer picture of the client’s capabilities and accommodation needs.
     2. No trial work experience will be less than a 4 hour total period of time. Exceptions must be approved by the Field Supervisor when the client is unable to meet the 4 hour requirement.
     3. The exact amount of time in the TWE is determined by the client, VR counselor and CRP. Before the service starts, the exact amount will be determined and documented.

c. The Community Rehabilitation Provider and the VR counselor must ensure that the client has appropriate accommodations to participate in trial work.

2. In order to establish sufficient evidence, trial work experience(s) should be of sufficient variety and over a sufficient period of time to assess or obtain information concerning the following about the individual. Trial Work is used to determine if the client is capable of working and shall address the following areas:

a. Strength and endurance (including mobility and physical limitations)

b. Challenging behaviors/social interaction skills

c. Time management skills

d. Functional limitations

e. Communication skills

f. Effects of medication on functioning

g. Performance of essential job duties (ability to follow directions, quality of work and attention to detail)

h. Special or required accommodations (job coach, assistive technology, adjusted schedule, etc.)

i. Evidence that the client can or cannot sustain employment

3. Identify each Trial Work Site:

a. Name of company and phone number

b. Type of work attempted

c. Time spent at job site

d. Available accommodations at job site

4. The Community Rehabilitation Provider will prepare a typed written TWE report from the information gathered at the Trial Work Experience(s). This typed report will be presented to the VR counselor along with the signed authorization and invoice within 10 business days of completion of the last TWE.

**D. STAFF QUALIFICATIONS.** CRP staff serving VR clients under this LOA must have at least six (6) months of professional experience working with individuals with disabilities **and** meet one of the following:

1. A Masters or Bachelor’s degree from an accredited college or university and written documentation of one (1) year of successful experience in employment counseling, job placement, job coaching or a public vocational rehabilitation program; **or**

2. An Associate’s degree from an accredited college or university and written documentation of two (2) years of successful experience in employment counseling, job placement, job coaching or a public vocational rehabilitation program may be used as a substitute for the required college education and experience; **or**

3. High school diploma or GED and written documentation of at least two (2) years of successful experience in employment counseling, job placement, job coaching or a public vocational rehabilitation program may substitute on a year for year basis for the required college education and experience.

1. **FEES AND PAYMENT**. The VR counselor will issue an authorization commensurate with the schedule below. One Trial Work Experience is allowed if sufficient evidence is provided to determine that the client can benefit from services. At least two Trial Work Experiences are required to determine that a client cannot benefit from services. If the client has completed one trial work experience and is unable or unwilling to complete the second trial work experience, the CRP will be compensated for one trial work experience completed according to the schedule below.

Fee Schedule: $500 for one Trial Work Experience

$750 for two Trial Work Experiences

$1000 for three or more Trial Work Experiences

**ACCEPTED:**

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CRP Director Signature                      Date

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Printed Name of CRP Director

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Name of Agency

Vocational Rehabilitation - Tennessee Department of Human Services

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Authorized Signature Date